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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): James F. Zucherman et al.

SC/Serial No.: 10/037,236

Confirm. No.: 6669

Filed: November 9, 2001

Title: INTER-SPINOUS PROCESS IMPLANT AND
METHOD WITH DEFORMABLE SPACER

PATENT APPLICATION

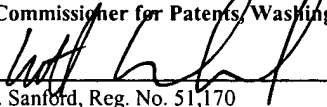
Art Unit: 3732

Examiner: Unassigned

Customer No. 23910

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to **Box Missing Parts, Commissioner for Patents, Washington, DC 20231**, on March 18, 2002.



Scott D. Sanford, Reg. No. 51,170
Signature Date: March 18, 2002

(Attorney Signature)

RESPONSE TO NOTICE TO FILE MISSING PARTS

Box Missing Parts
Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Notice to File Missing Parts of Application -- Filing Date Granted, dated March 7, 2002, enclosed are the following documents in connection with the above-identified application:

- ☒ Copy of Notice to File Missing Parts -- Filing Date Granted
- ☒ Declaration for Patent Application
- ☒ Assignment and Assignment Recordation Form Cover Sheet
- ☒ Power of Attorney
- ☐ Information Disclosure Statement under 37 C.F.R. §1.56
- ☐ Preliminary Amendment

Patent Application Filing Fee

The patent application filing fee (if applicable) is calculated as shown below:

No. Filed	No. Extra	Rate Small Entity/ Large Entity	
Basic		\$370.00	
Fee		\$740.00	= \$0.00
Total		\$ 9.00	
Claims <u>107</u>	- 107 = <u>0</u>	X \$ 18.00	= \$0.00
Independent		\$ 42.00	
Claims <u>12</u>	- 12 = <u>0</u>	X \$ 84.00	= \$0.00
First Presentation of		\$140.00	
Multiple Dependent Claim(s) <u>0</u>		\$280.00	= \$0.00
Total PATENT APPLICATION FILING FEE:			<u>\$0.00</u>

* If the difference is less than zero, enter "0".

** Count claims after any amendment.

Total Fee

The Total Fee associated with this communication has been calculated as shown below:

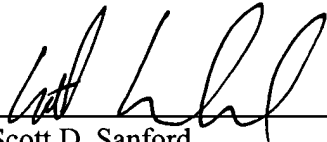
<u>—</u>	Patent application filing fee	\$0.00
<u>—</u>	Net fee for extension of time	\$0.00
<u>✓</u>	Assignment recording fee (\$40.00)	\$40.00
<u>✓</u>	Surcharge under 37 C.F.R. §1.16(e) for late filing of filing fee or Declaration:	
<u>—</u>	Large Entity \$130.00	\$0.00
<u>✓</u>	Small Entity \$ 65.00	\$65.00
TOTAL FEE DUE:		<u>\$105.00</u>

Method of Payment of Fees

- ☒ A check in the amount of the TOTAL FEE DUE is enclosed.
- ☒ The Commissioner is hereby authorized to charge underpayment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

Date: March 18, 2002

By: 
Scott D. Sanford
Reg. No. 51,170

FLIESLER DUBB MEYER & LOVEJOY LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800
Facsimile: (415) 362-2928
ssanford@fdml.com



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): James F. Zucherman et al.

SC/Serial No.: Unknown

Confirm. No.: Unknown

Filed: Herewith

Title: INTER-SPINOUS PROCESS IMPLANT AND
METHOD WITH DEFORMABLE SPACER

PATENT APPLICATION

Art Unit:

Examiner:


Customer No. 23910

CERTIFICATE OF MAILING BY "EXPRESS MAIL"
UNDER 37 C.F.R. §1.10

"Express Mail" mailing label number: EL 622 694 495 US

Date of Mailing: November 9, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service, utilizing the "Express Mail Post Office to Addressee" service addressed to **Box PATENT APPLICATION, Commissioner for Patents, Washington, DC 20231** and mailed on the above Date of Mailing with the above "Express Mail" mailing label number.



Johann S. Mercado
Signature Date: November 9, 2001 (Signature)

UTILITY PATENT APPLICATION TRANSMITTAL LETTER UNDER 37 C.F.R §1.53(b)

Box PATENT APPLICATION

Commissioner for Patents

Washington, DC 20231

Sir:

Transmitted herewith for filing is the patent application identified as follows:

Inventor(s): James F. Zucherman, Ken Y. Hsu, Charles J. Winslow, Henry A. Klyce and John Flynn

Title: INTER-SPINOUS PROCESS IMPLANT AND METHOD WITH DEFORMABLE SPACER

No. of pages in Specification: 42; No. of Claims: 107.

No. of Sheets of Drawings: 8; Formal: ✓, Informal: .

Also enclosed are:

_____ A Declaration.
_____ An Assignment and Recordation Form Cover Sheet.
_____ A certified copy of a priority application.
_____ A Power of Attorney.
_____ A Statement Claiming Small Entity Status.
_____ An Information Disclosure Statement under 37 C.F.R. §1.56.

The filing fee pursuant to 37 C.F.R. §1.16 is determined as follows:

No. Filed	No. Extra	Rate Small Entity/ Other Than Small Entity		
Basic Fee		\$370.00 \$740.00	=	\$370.00
Total Claims <u>107</u> - 20	= <u>87</u>	\$ 9.00 \$ 18.00	=	\$783.00
Independent Claims <u>12</u> - 3	= <u>9</u>	\$ 42.00 \$ 84.00	=	\$378.00
First Presentation of Multiple Dependent Claim(s) <u>0</u>		\$140.00 \$280.00	=	\$0.00
		Total	=	<u>\$1531.00</u>

*If the difference is less than zero, enter "0".

_____ Please charge Deposit Account No. 06-1325 in the amount of \$_____. A duplicate copy of this authorization is enclosed.

✓ A check in the amount of \$1531.00 to cover the filing fee is enclosed.

✓ The Commissioner is hereby authorized to charge underpayment of any additional fees (including those listed below) or credit any overpayment associated with this communication to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

✓ Any additional filing fees under 37 C.F.R. §1.16.

✓ Any patent application processing fees under 37 C.F.R. §1.17.

This application is filed pursuant to 37 C.F.R. §1.53(b) in the name of the above-identified Inventor(s).


✓ This application claims priority to an earlier-filed Provisional patent application, as set forth more fully in this application.

Please direct all correspondence concerning the above-identified application to the following address:

Sheldon R. Meyer
FLIESLER DUBB MEYER & LOVEJOY LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800

Respectfully submitted,

Date: 11/9/01

By: 
Sheldon R. Meyer
Reg. No. 27,660

FLIESLER DUBB MEYER & LOVEJOY LLP
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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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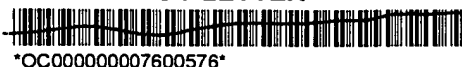
APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/037,236	11/09/2001	James F. Zucherman	

CONFIRMATION NO. 6669

Sheldon R. Meyer
FLIESLER DUBB MEYER & LOVEJOY LLP
Fourth Floor
Four Embarcadero Center
San Francisco, CA 94111-4156

RECEIVED

FORMALITIES LETTER



MAR 12 2002

FLIESLER DUBB
MEYER & LOVEJOY

Date Mailed: 03/07/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

03/28/2002 MAHMED1 00000084 10037236

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